

MARRERS

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UBS FINANCIAL SERVICES, INC. and
UBS SECURITIES LLC,

Plaintiffs,

v.

WEST VIRGINIA UNIVERSITY HOSPITALS, INC.,
UNITED HOSPITAL CENTER, INC., WEST VIRGINIA
UNIVERSITY HOSPITALS-EAST, INC., CITY
HOSPITAL FOUNDATION, INC., and WEST VIRGINIA
UNITED HEALTH SYSTEM, INC.,

Defendants.

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10 CV 4298 (VM)

ECF Case

STIPULATION AND
ORDER

WHEREAS, this action has been stayed pending the decision of the Second Circuit Court of Appeals in *JP Morgan Securities, Inc. v. Louisiana Citizens Property Insurance Corp.*, Docket No. 10-2183 ("the JP Morgan Appeal"), in the expectation that a decision in the JP Morgan Appeal would substantially resolve certain major issues in this action;

WHEREAS, on September 24, 2010, JP Morgan dismissed its appeal, and accordingly there is no longer a possibility that the JP Morgan Appeal will result in a decision relevant to this action;

WHEREAS, plaintiffs now wish to resume this action, and in particular to resume their pursuit of an order enjoining defendants from pursuing arbitration of this dispute before the Financial Industry Regulatory Authority ("FINRA") or, in the alternative,

pursuing FINRA arbitration in any forum outside New York County ("Plaintiffs' Motion");

IT IS HEREBY STIPULATED AND AGREED that plaintiffs shall serve and file their papers in support of Plaintiffs' Motion within 20 days of the docketing of this Order by the Clerk of Court; defendants shall serve and file their opposition within 20 days thereafter; and plaintiffs shall serve and file any reply within 10 days thereafter.

Defendants reserve the right to seek leave of court to file a sur-reply, and plaintiffs reserve the right to oppose any such application.

[signature page follows]

Dated: October 1, 2010

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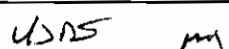
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SO ORDERED:



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